



SC Dept. of Labor, Licensing and Regulation

Office of Occupational Safety and Health

P.O. Box 11329

Columbia, SC 29211-1329

Phone: 803-896-7665 FAX: 803-896-7670

Citation and Notification of Penalty

To:

Lanxess Corporation
2151 King Street Extension
Charleston, SC 29401

Inspection Number: 318057643

CSHO ID: M3916

Optional Report No.: 0394-19

Inspection Date(s): 5/29/2019 - 9/30/2019

Issuance Date: 10/17/2019

Inspection Site:

2151 King Street Extension
Charleston, SC 29405

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty serves as the Agency's Determination with regard to an inspection of a workplace under your operation, ownership or control. This inspection has revealed conditions which we believe, do not comply with certain safety and health rules and regulations promulgated pursuant to 41-15-210, South Carolina Code of Laws, 1976, as amended. The nature of such alleged violation(s) is described in the enclosed citation with references to applicable OSHA standards, rules and regulations, and provisions of the law. All applicable OSHA standards referenced have been adopted pursuant to S.C. Code Ann. §41-15-220 and are incorporated by reference into this state's regulations pursuant to S.C. Code Ann. Regs. 71-108.

POSTING - The law requires that a copy of the enclosed citation(s), unedited, be prominently posted immediately upon receipt at or near each place a violation referred to in the citation occurred ("affected work area"). In the event that it is not practical to post the citation in the affected work area, the citation must be prominently posted in a place readily observable by all affected employees. It must remain posted until all violations cited therein are corrected, or for three (3) days, whichever period is later.

ABATEMENT - Alleged violations that are not contested shall be corrected by the abatement date specified in the citation. Failure to correct an alleged violation within the abatement period may result in an additional assessment of penalties.

As to alleged violations, you are directed to certify to the Compliance Manager, within ten (10) calendar days following the abatement dates assigned, the specific corrective action taken for each violation and date of such action. A copy or summary of this corrective action must be posted in the affected work area on or before submission to OSHA. Employees or their representatives (where applicable) must be informed of their right to examine and copy all abatement documents submitted. Employers must comply with these requests with five (5) working days. **For abatement dates over ninety (90) days, an Abatement Verification Plan may be required to be submitted.**

If additional time is needed to correct the alleged violations in the citation, you may request an extension by writing the Compliance Manager within the following applicable time frames: 1) any time within the thirty (30) day contest period, or 2) not later than one (1) day after the last abatement date for the alleged violation on which an extension is needed.

PENALTY PAYMENT - Penalties as outlined in this Citation and Notification of Penalty, the **Agency's Determination**, are due within thirty (30) days of receipt unless contested. Make your check or money order payable to the South Carolina Department of Labor, Licensing, and Regulation at the address listed above. Please indicate the inspection number on the remittance.

RIGHT TO CONTEST - You have the right to contest the citation(s), the abatement dates and/or the proposed penalty (ies) enclosed in this **Citation and Notification of Penalty**. As this is the **Agency's Determination**, you may file a Request for a Contested Case Hearing with the South Carolina Administrative Law Court (ALC) within thirty (30) calendar days of receipt of this Citation and Notification of Penalty. These procedures may be found on the ALC website at <http://www.scalc.net/rules.aspx> or you may contact the Clerk, SC Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, SC 29201, (803) 734-0550.

INFORMAL CONFERENCE - If an employer wishes to have an informal discussion in the interest of reaching a settlement regarding the citation(s), the abatement date(s), and/or penalty(ies) without a formal contest, an informal conference can be arranged by contacting the Informal Conference Office at 803-896-7687. In order for a conference to be scheduled and a decision to be provided, the Informal Conference Office should be contacted as soon as possible after the receipt of the **Citation and Notification of Penalty**.

All informal conferences must be held within the thirty (30) day contest period. **AN INFORMAL CONFERENCE SHALL NOT OPERATE AS A STAY FOR THE THIRTY (30) DAY CONTEST PERIOD AND NO CONFERENCE OR REQUEST FOR A CONFERENCE WILL BE HELD OR ACCEPTED SUBSEQUENT TO RECEIPT OF A NOTICE OF CONTEST.**

If an informal conference is scheduled, the employer must notify the affected employees or union representative of the date, time, and location of the informal conference, the items to be discussed and their right to participate. Notice may be accomplished by the employer by posting a notice (see "Notice to Employees of Informal Conference" provided with this package) by the citation or by serving a copy of the notice on the union representative. A copy of the notice must be provided to the Informal Conference Hearing Officer at the time of the conference. An informal conference will not be conducted unless the employee or union representative has been afforded the opportunity to participate. Be sure to bring to the conference any and all supporting documentation of existing as well as any abatement steps taken thus far. If conditions warrant, we may enter into an informal settlement agreement (ISA) to resolve all issues.

EMPLOYER DISCRIMINATION UNLAWFUL - The law prohibits discrimination by an employer against any employee filing a complaint or for exercising any rights under the OSHA Act. An employee who believes that he/she has been discriminated against may file a complaint no later than thirty (30) days after the discrimination occurred with the South Carolina Department of Labor, Licensing, and Regulation at the address shown above.

CONCLUSION - A follow-up inspection may be conducted for the purpose of determining that you have complied with the posting requirements outlined in the law and abated (corrected) the alleged violations as you have reported in the corrective action documentation. Note that the law provides that whoever knowingly gives false information will be subject to a fine and/or imprisonment.

If you wish further information, you may direct such requests to the Compliance Manager at the address listed above.

SC Dept. of Labor, Licensing and Regulation
Office of Occupational Safety and Health

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/17/2019. The conference will be held at the OSHA office located at 121 Executive Center Drive, Columbia, S.C. 29210 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Office of Occupational Safety and Health

Inspection Number: 318057643

Inspection Date(s): 5/29/2019 - 9/30/2019

Issuance Date: 10/17/2019

CSHO ID: M3916

Optional Report No.: 0394-19

Citation and Notification of Penalty

Company Name: Lanxess Corporation

Inspection Site: 2151 King Street Extension, Charleston, SC 29405

Citation 01 Item 001 Type of Violation: Serious

29 CFR 1910.119(d)(3)(i), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108: Failed to include the following in information pertaining to the equipment in the process: (A) Materials of construction; (B) Piping and instrument diagrams (P & ID's); (C) Electrical classification; (D) Relief system design and design basis, (E) Ventilation system design; (F) Design codes and standards employed; (G) Material and energy balances for processes built after May 26, 1992; and, (H) Safety systems (e.g. interlocks, detection or suppression systems), as follows:

A. The Piping and instrument diagrams used for the chlorine rail stations C/D and PCU chlorine east #2 train were inaccurate and/or incomplete for items such as but not limited to:

- A. Tag 20-XV-2058 at the C2 rail station was not found in the P&ID.
- B. Illegible tags were found at rail station C2/D2 around primary expansion tank D-305, with no tag found for plug valve -2037.
- C. No tag found for Pressure Indicator PI-2037 at rail station C2/D2.
- D. Illegible tag was found for control valve HV-2068 at rail station C2.
- E. No tag found for valve -2027 associated with PI-2002 at rail station C2.
- F. No tag found for crossover control valve 20-HV-2067 at rail station C1/D1.
- G. No tag found for crossover control valve 20-HV-2069 at rail station C2/D2.
- H. No tag found for PI-2015 at rail station C1/D1.
- I. No tags found for purge valves XV-2052, XV-2051, and XV-2050 at rail station C1/D1.
- J. Tag P356 for a valve found at PCU was not found in the P&ID.
- K. Illegible tag found was found at PCU for EV-3401.
- L. No matching tag at the PCU chlorine vaporizer found for E-260.

- M. Illegible tags found at PCU for PSV-3423, PRV-3423, and PSE-3422.
- N. Illegible tag found for chlorine alarm monitor HS-3416.
- O. Tag 20-XV-2227 locked out by Halide LO#10 at PCU was not found on the P&ID.

ABATEMENT DOCUMENTATION REQUIRED

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| | |
|--|-------------------|
| Date By Which Violation Must Be Abated: | 11/19/2019 |
| Proposed Penalty: | \$1,125.00 |

Office of Occupational Safety and Health

Inspection Number: 318057643**Inspection Date(s):** 5/29/2019 - 9/30/2019

Issuance Date: 10/17/2019

CSHO ID: M3916

Optional Report No.: 0394-19

Citation and Notification of Penalty

Company Name: Lanxess Corporation

Inspection Site: 2151 King Street Extension, Charleston, SC 29405

Citation 01 Item 002 Type of Violation: **Serious**

29 CFR 1910.119(e)(3), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108. Failed to address the following in the process hazard analysis: (i) The hazards of the process; (ii) The identification of any previous incident which had a likely potential for catastrophic consequences in the work place; (iii) Engineering and administrative controls applicable to the hazards and their interrelationships such as appropriate application of detection methodologies to provide early warning of releases. (Acceptable detection methods might include process monitoring and control instrumentation with alarms, and detection hardware such as hydrocarbon sensors); (iv) Consequences of failure of engineering and administrative controls; (v) Facility siting; (vi) Human factors; and (vii) A qualitative evaluation of a range of the possible safety and health effects of failure of controls on employees in the workplace, as follows:

A. The revalidated process hazard analysis in 2017 did not address proper Facility Siting when it designated the Halide unit control room to serve as a Shelter-In-Place location where 6 employees evacuated the control room on May 22, 2019 at or around 1230 when chlorine gas from a disconnected rail car at station C2 was released and infiltrated the control room.

ABATEMENT DOCUMENTATION REQUIRED

Date By Which Violation Must Be Abated:

11/19/2019

Proposed Penalty:

\$1,125.00

Office of Occupational Safety and Health

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Company Name: Lanxess Corporation

Inspection Site: 2151 King Street Extension, Charleston, SC 29405

Citation 01 Item 003 Type of Violation: **Serious**

29 CFR 1910.119(f)(3), as adopted pursuant to SC Code Ann. §41-15-220 and incorporated by reference pursuant to SC Ann. Regs. 71-108: Failed to review the operating procedures as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to facilities. The employer shall certify annually that these operating procedures are current and accurate, as follows:

A. The operating procedure Section 6.1.2 in PCU document EG120-792 (issue no. 081710-19 / revision no. 112017-53) had not been updated and annually certified to reflect current and accurate field operations for disconnecting empty chlorine rail cars.

Date By Which Violation Must Be Abated:

Inspection

Proposed Penalty:

Corrected During

\$750.00

Anthony Wilks
South Carolina Dept of LLR



SC Dept. of Labor, Licensing and Regulation

Office of Occupational Safety and Health

P.O. Box 11329

Columbia, SC 29211-1329

Phone: 803-896-7665 FAX: 803-896-7670

INVOICE DEBT COLLECTION NOTICE

Company Name: Lanxess Corporation
Inspection Site: 2151 King Street Extension, Charleston, SC 29405
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Summary of Penalties for Inspection Number: 318057643

Citation 1, Serious = \$3,000.00
TOTAL PENALTIES = \$3,000.00

Anthony Wilks
Compliance Manager

Date